

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 7:14-CR-01475
)	
Plaintiff,)	CRIMINAL
)	
vs.)	McAllen, Texas
)	
BELINDA SOLIS,)	Thursday, September 25, 2014
)	(10:18 a.m. to 10:37 a.m.)
Defendant.)	(10:38 a.m. to 10:39 a.m.)

REARRANGEMENT

BEFORE THE HONORABLE MICAELA ALVAREZ,
UNITED STATES DISTRICT JUDGE

(SEALED BENCH CONFERENCE OMITTED)

APPEARANCES:

For Plaintiff: L. JAMES LEO, III, ESQ.
Assistant United States Attorney
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McAllen, TX 78501

For Defendant: DAVID E. WOOD, ESQ.
Attorney at Law
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transcript produced by transcription service.

1 **McAllen, Texas; Thursday, September 25, 2014; 10:18 a.m.**

2 **(Call to order)**

3 **THE COURT:** Case Number 14-1475, Belinda Solis.

4 **MR. LEO:** Government's present and ready, your Honor.

5 **THE COURT:** Ms. Solis, please raise your right hand
6 to be sworn in.

7 **(Defendant sworn)**

8 **THE COURT:** Thank you, all right.

9 **MR. LEO:** Your Honor, there is one change that we
10 need to make to the docket sheet, and I just gave another
11 criminal information. They recently recodified (phonetic) the
12 voter fraud statute. It's now Title 52, United States Code,
13 10307(c). It was formerly Title 42, 1973(i). So I did make
14 the change in the criminal information and I just -- we just
15 need to make that change on the docket sheet as well.

16 **THE COURT:** Okay.

17 **MR. LEO:** And the statute didn't change. They
18 just --

19 **THE COURT:** It's just the numbering? Okay.

20 **MR. LEO:** Correct, your Honor.

21 **THE COURT:** So the one you handed to the Court has
22 the correct --

23 **MR. LEO:** Yes, your Honor.

24 **THE COURT:** -- okay, reference, okay. Okay, so,
25 Ms. Solis, it is my understanding that you intend to enter a

1 plea here to the criminal information, so there are a lot of
2 things I need to cover with you. First, of course, is that you
3 have been sworn in. You are under oath. Therefore, you are
4 subject to the penalties of perjury, and any statement you make
5 here today can be used against you. Do you understand that?

6 **THE DEFENDANT:** Yes, ma'am.

7 **THE COURT:** All right. Now, just so that I can get a
8 little bit of background information on you, tell me how old
9 you are, please.

10 **THE DEFENDANT:** I am 39 years old.

11 **THE COURT:** What kind of schooling do you have?

12 **THE DEFENDANT:** I have a GED -- I'm attending a GED
13 class.

14 **THE COURT:** You're attending that currently, okay.
15 Have you ever been or are you now under the care of any doctor
16 or any psychologist or psychiatrist for any kind of mental
17 health issues?

18 **THE DEFENDANT:** No, ma'am.

19 **THE COURT:** Are you now under the influence of any
20 alcohol, drugs, or medication?

21 **THE DEFENDANT:** No, ma'am.

22 **THE COURT:** Within the last 48 hours, have you
23 consumed any alcohol, drugs, or medication?

24 **THE DEFENDANT:** No, ma'am.

25 **THE COURT:** Have you talked with your attorney about

1 the charges that are pending against you?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** All right. So let me talk a little bit
4 about those charges first. We have what is called a criminal
5 information presented to the Court here today. A criminal
6 information sets out a charge against you. But the charge is
7 set out only by the Assistant U. S. Attorney in the case here,
8 Mr. Leo.

9 **THE DEFENDANT:** Yes, ma'am.

10 **THE COURT:** Under our system, you have the right to
11 be charged by what we call an indictment. An indictment -- it
12 may be exactly like the criminal information as far as the
13 charge that it sets out, but the indictment is something that
14 is issued by a Grand Jury.

15 **THE DEFENDANT:** Okay.

16 **THE COURT:** The Grand Jury is a group of citizens of
17 this community. They are presented with the evidence that the
18 Government believes is sufficient for them to consider. The
19 Grand Jury then decides whether a person will be charged or not
20 charged. So it's sort of a review process, okay?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** So the difference, of course, being that
23 the information, it's only the attorney, and he may have looked
24 at the exact same evidence, but it's only the attorney for the
25 Government that sets out the charges; whereas a Grand Jury, as

1 I said, is a group of citizens, and they make that decision.

2 **THE DEFENDANT:** Okay.

3 **THE COURT:** You do have the right to be charged by
4 the -- by indictment. Do you understand that?

5 **THE DEFENDANT:** Yes, ma'am.

6 **THE COURT:** And do you wish to give up that right, to
7 be charged by indictment? That is, do you wish to go --

8 **(Defendant/counsel confer)**

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Okay. And this is very important for you
11 to understand all of this, Ms. Solis. So this is one of those
12 times -- if you don't understand something, please let me know.
13 If you want to talk with your attorney, I will not stop you
14 from --

15 **THE DEFENDANT:** Okay.

16 **THE COURT:** -- doing that. But it needs to be that
17 you understand --

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** -- what I'm covering with you.

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** And if you have questions I'll try to
22 answer them for you.

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** Okay, so the answer was that you do wish
25 to go forward with --

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** -- the information and give up your right
3 to be charged by indictment?

4 **THE DEFENDANT:** Yes, ma'am.

5 **THE COURT:** Okay. Now, the other preliminary here is
6 that you also have the right to have at least 30 days to
7 prepare for trial. The information has just not been presented
8 to me. I don't know when it was filed, but it's just now been
9 presented to me, so --

10 **THE DEFENDANT:** Okay.

11 **THE COURT:** -- let's assume it's been filed today.

12 **THE DEFENDANT:** Okay.

13 **THE COURT:** That means that even though you are going
14 to enter a plea, the plea is the equivalent of a trial. So
15 that means that you have the right under our laws to have at
16 least 30 days to prepare for trial. If you wish to go forward
17 today, we can, but that means that you would be giving up the
18 right to have at least 30 days to prepare for trial. Do you
19 understand that, first of all?

20 **THE DEFENDANT:** Yes, ma'am.

21 **THE COURT:** And do you wish to give up the right to
22 have at least 30 days to prepare for trial?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** All right, thank you. Okay, now let me
25 cover the charge itself with you. So the charge in the

1 criminal information is as follows. I'm going to go through
2 and read it to you and then I'll kind of explain it a little
3 bit more to you.

4 **THE DEFENDANT:** Okay.

5 **THE COURT:** The charge is that:

6 "On or about November the 6th, 2012, pursuant to the
7 laws of the United States and the State of Texas, a
8 general election was held in Donna, Hidalgo County,
9 Texas for the purpose, among others, of electing the
10 President of the United States, a federal officer --
11 or a federal office. At the general election, there
12 were also candidates on the ballot for various state,
13 county, and local offices, including the members of
14 the Donna School Board. At all times material to
15 this indictment during the general election, Belinda
16 Solis assisted in the campaign to elect candidates to
17 the Donna School Board."

18 As to Count One -- and it's the only count here --
19 paragraphs 1, 2, through 3 of the information are restated.
20 And, on or about November the 6th, 2012, in the Donna, Hidalgo
21 County, Texas -- in Donna, Hidalgo County, Texas, within the
22 jurisdiction of this Court, you knowingly paid and offered to
23 pay one and more voters for voting in the election just -- we
24 have just referenced, all in violation of Title 52, United
25 States Code, Section 10307(c), which is formerly titled 42

1 United States Code Section 1973(i)(C).

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** All right, so the charge is basically
4 that in connection with the general election held in November
5 of 2012, you offered to pay or did pay one or more voters for
6 their vote, which is in violation of the law. Do you
7 understand the charge?

8 **THE DEFENDANT:** Yes, ma'am.

9 **THE COURT:** Let me mention one other thing here that
10 you may very well know but you may not know. I am from Donna.
11 I live there currently. I don't believe that there is any
12 conflict here whatsoever. I know nothing about these
13 elections. I'm not involved in any kind of political process.
14 Now, Mr. Wood, I don't know if you had considered that or not,
15 if that had been brought to your attention or not.

16 **MR. WOOD:** I didn't know that, your Honor.

17 **THE COURT:** I don't think it makes any difference
18 here, but I want you to be aware of it. And I am very
19 conscientious of avoiding the appearance of impropriety. Is
20 there any reason you feel that this would impact the case or
21 that it would result in the appearance of impropriety in this
22 case, Mr. Wood? And if you want to talk with your client for a
23 moment, you may.

24 **(Defendant/counsel confer)**

25 **MR. WOOD:** That really doesn't concern me, your

1 Honor. I mean, you're from Donna. I mean, maybe you want to
2 protect Donna more than other places, but I think it's all
3 right.

4 **THE COURT:** Okay. And, Ms. Solis, did you --

5 **THE DEFENDANT:** I'm okay.

6 **THE COURT:** -- know that or were you aware of that?

7 **THE DEFENDANT:** No, I didn't know, but I'm okay with
8 it.

9 **THE COURT:** Okay, you're okay with it. Again, I
10 don't have any kind of involvement in any elections
11 whatsoever --

12 **THE DEFENDANT:** Okay.

13 **THE COURT:** -- other than the fact that I vote. But
14 I don't have any -- I don't have children in school anymore so
15 I -- as far as what the school does, doesn't impact me at all.
16 I do not believe that there is any issue. And should something
17 develop down the road, you know, we can always address it
18 later.

19 **THE DEFENDANT:** Okay.

20 **THE COURT:** But as far as the plea, I do not believe
21 that there is an issue. I did want you to be aware of it,
22 though.

23 **THE DEFENDANT:** Okay, thank you.

24 **MR. WOOD:** Appreciate that, your Honor.

25 **THE COURT:** All right, thank you. Okay, now, as to

1 this charge then, Ms. Solis, do you have any questions about
2 it?

3 **THE DEFENDANT:** No, ma'am.

4 **THE COURT:** All right, now let me cover some of the
5 other rights that you have in connection with this charge.

6 First of all, you do have the right to have an attorney
7 represent you throughout these proceedings, as you are being
8 represented here today. And you have that right even if you
9 cannot afford an attorney. You also have the right to enter a
10 plea of not guilty to the charge; and if you wish to go forward
11 with a plea of not guilty, then we would have, first of all,
12 the indictment process, we would also have the time that I've
13 talked about already as far as at least 30 days. But in
14 addition to that, then you would also have the right to have a
15 jury trial. The jury is a little bit different from the Grand
16 Jury that we talked about earlier because that's a one-sided
17 process. The jury is made up of 12 citizens of this community.
18 The jury then is the one that would decide whether you are
19 guilty or not guilty. In connection with the jury trial, the
20 Government -- you have the right to have the Government present
21 the witnesses that the Government has to testify against you.
22 You have the right through your attorney to ask questions of
23 those witnesses. You also have the right to present witnesses
24 of your own. You have the right also to testify if you want to
25 testify, but you do not have to do so. If you choose to remain

1 silent, that is not considered by the jury to be evidence of
2 anything in the case. These are all rights that you have if
3 you wish to go forward with a plea of not guilty to this
4 charge. Do you understand that?

5 **THE DEFENDANT:** Yes, ma'am.

6 **THE COURT:** Now, if you wish to enter a plea of
7 guilty as you have indicated you want to do --

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** -- that means that you will be giving up
10 these rights. We will not have the indictment process that
11 we've already talked about.

12 **THE DEFENDANT:** Okay.

13 **THE COURT:** We will not have a jury trial. I will be
14 the one to decide whether you are guilty or not guilty. We
15 will not have any of the witnesses presented other than
16 yourself. The Government will tell me the facts of the case.
17 I will ask you some questions about those facts, enough to
18 determine whether you are guilty. Based on what you present
19 and the Government presents, then I will decide whether you are
20 guilty. That, of course, also means that you give up the right
21 to remain silent because, as I said, I will ask you some
22 questions and you will need to answer those questions for me.
23 Do you understand that?

24 **THE DEFENDANT:** Yes, ma'am.

25 **THE COURT:** With that understand then, Ms. Solis, do

1 you wish to give up the right to have a jury trial, to have the
2 witnesses presented, to be able to ask questions of those
3 witnesses, and the right to remain silent? Do you want to give
4 up those rights by entering a plea of guilty?

5 **THE DEFENDANT:** Yes, ma'am.

6 **THE COURT:** Okay. Have you talked with your attorney
7 about what the range of punishment here is if you do enter a
8 plea of guilty and the Court finds you guilty? As far as how
9 much time --

10 **THE DEFENDANT:** Yeah.

11 **THE COURT:** -- you may be facing in prison --

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** -- did you talk about that? Okay. Now,
14 the law provides that you can be sentenced to a term of
15 imprisonment of up to five years. There is no minimum
16 required, but it can be all the way up to five years in prison.
17 Do you understand that?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** There's also the possibility of a fine of
20 up to \$250,000, depending on whether you can afford to pay a
21 fine. There is what we call a \$100 special assessment. You
22 are ordered to pay that regardless of whether you can afford to
23 do so or not. And there is also something we call supervised
24 release. Supervised release is a period of time after you have
25 been released from custody -- prison, if you do serve time in

1 prison, when you are under court supervision. Even though you
2 are out in the community, some people sometimes say probation.
3 It's not probation, because you've actually served time in
4 prison. But it's a period of time, up to three years, when you
5 are supervised by the Court. The Court orders that you do or
6 not do certain things. And if you violate any of those Court's
7 orders, you could end up having to come back to Court; and,
8 depending on the circumstances, you could end up having to
9 serve more time for this offense, even if you have not
10 committed another offense. Do you understand this?

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** Now, that's what the law provides as far
13 as what the maximums are. In deciding the actual sentence that
14 you will receive, the Court considers something that we call
15 the Guidelines. The Guidelines are basically a way that we
16 come up with a range in months of what the Court should
17 consider in deciding whether to -- what kind of a sentence to
18 give you. We take information about the offense itself, we
19 come up with a number that applies to the offense.

20 **THE DEFENDANT:** Okay.

21 **THE COURT:** We take information about your criminal
22 history and we come up with a number that applies to your
23 criminal history.

24 **THE COURT:** We use a chart like this. Did you
25 discuss that with your attorney?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** All right. Now, it is important that you
3 understand two things in particular about the Guidelines right
4 now. I can't tell you right now what your guideline range will
5 be because I've not calculated it. I expect your attorney has
6 done that and, in time, the probation department will do so as
7 well.

8 **THE DEFENDANT:** Yes, ma'am.

9 **THE COURT:** But ultimately I am the one that will
10 decide what the correct guideline range is for you in your
11 case. And it is done for you in your case. The important
12 thing right now for you to understand is that it is the Court
13 that will decide what the correct guideline range is, and that
14 is not done until the time of sentencing. So whatever your
15 attorney has told you, it could turn out to be different at the
16 time of sentencing. Do you understand that?

17 **THE DEFENDANT:** Yes, ma'am.

18 **THE COURT:** The other important thing for you to
19 understand is that I do not have to follow the Guidelines. I
20 do have to consider them. Once I have heard from everybody in
21 the case and consider everything that has been presented to me
22 in the case, I will decide whether I should sentence you within
23 the guideline range that applies to your case, below that, or
24 above that, so long as I do not go above the five-year limit in
25 this case. Do you understand that?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** Do you have any questions about any of
3 these things that I have covered with you?

4 **THE DEFENDANT:** No, ma'am.

5 **THE COURT:** All right. Is there a plea agreement in
6 this case?

7 **MR. LEO:** There is not, your Honor.

8 **THE COURT:** All right. So, Ms. Solis, the Government
9 has indicated that you have not reached any kind of agreement
10 with the Government as far as anything that has been promised
11 to you or that has been agreed to between yourself and the
12 Government in exchange for your plea of guilty. Do you believe
13 that you have any sort of promise that has been made to you by
14 anybody, whether that be the Government, your attorney, or
15 somebody else, in exchange for your plea of guilty? In other
16 words, has anybody promised you anything to --

17 **THE DEFENDANT:** No.

18 **THE COURT:** -- try to get you to --

19 **THE DEFENDANT:** No, ma'am.

20 **THE COURT:** -- plead guilty?

21 **THE DEFENDANT:** No, ma'am.

22 **THE COURT:** Do you wish to plead guilty, freely and
23 voluntarily?

24 **THE DEFENDANT:** Yes, ma'am.

25 **THE COURT:** And do you wish to plead guilty because

1 you are in fact guilty as charged in the indictment?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** All right, Ms. Solis, as charged in the
4 information, Ms. Solis, and as to this information, how do you
5 plead, guilty or not guilty?

6 **THE DEFENDANT:** Guilty.

7 **THE COURT:** Now, this is the part where the
8 Government is going to tell me the facts of your case. Please
9 listen closely because this is where I will ask you some
10 questions.

11 **THE DEFENDANT:** Okay.

12 **THE COURT:** Mr. Leo?

13 **MR. LEO:** Your Honor, do they need to execute the
14 waiver?

15 **THE COURT:** I have done it orally. There's a written
16 one -- oh, you -- there -- I do have a written one.

17 **MR. LEO:** There's one in front of them if --

18 **THE COURT:** Okay. We've done this orally, Ms. Solis,
19 but let me go ahead and have you go ahead and actually execute
20 this one. The waiver is -- this is of the indictment, what I
21 talked to you at the beginning --

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** -- as far as you having the right to have
24 the indictment charged. So you -- if you -- have you read that
25 over?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** Don't sign it yet.

3 **THE DEFENDANT:** Oh.

4 **THE COURT:** You've read it over with your attorney
5 already?

6 **THE DEFENDANT:** Yes, yes.

7 **THE COURT:** Okay. And I covered it with you --

8 **THE DEFENDANT:** Yes, you did.

9 **THE COURT:** -- as well. If you don't have any
10 questions about it and you wish to waive it, as you indicated
11 you do, then you may go ahead and sign it.

12 **THE DEFENDANT:** Okay, thank you.

13 (**Pause**)

14 **THE COURT:** And then if you would go ahead and pass
15 that over to Mr. Wood, I'll sign it as well. Okay, now,
16 Ms. Solis, we are going to hear from the Government.

17 **MR. LEO:** "Belinda Solis served as a politiquera for
18 the Donna School Board candidates Alfredo Lugo,
19 Ernesto Lugo, Michael Flores, and Nick Castillo for
20 the November, 2012, general election. Donna, Texas
21 is in the Southern District of Texas. Federal
22 officers, including presidential, senatorial, and
23 congressional candidates were also on the ballot for
24 the Donna School Board candidate -- along with the
25 Donna School Board candidates in November of 2012.

1 As a politiquera, the Defendant worked with
2 candidates to encourage people to vote, bring voters
3 to the poles, and ensure that voters selected the
4 particular candidate in exchange for payment for
5 their votes. Solis paid money to voters in exchange
6 for their votes for Donna School Board candidates.
7 For example, during the election, November, 2012,
8 Solis paid \$10 each to approximately four voters in
9 exchange for their votes in favor of the Donna School
10 Board candidates. During the November, 2012, general
11 election, Solis received money from Francisco, also
12 known as 'Frankie,' Garcia for the election,
13 specifically to pay voters in exchange for their
14 votes."

15 **THE COURT:** Ms. Solis, do you agree with what the
16 Government stated?

17 **THE DEFENDANT:** Yes, I do.

18 **THE COURT:** Okay. So during the November election,
19 you were working as a politiquera, the term --

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Okay, you understand the term?

22 **THE DEFENDANT:** Yes, yes.

23 **THE COURT:** Okay. And part of your job -- or was to
24 try to get voters for certain particular candidates up for the
25 Donna School Board, correct?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** And in order to do that, you received
3 some money from Frank -- and I didn't quite catch the last
4 name --

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** -- but you received money from Frank --

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** Okay. And then you in turn paid some of
9 that money to at least --

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** -- four candidates; is that correct?

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** And the purpose of you paying those four
14 -- I said candidates -- four voters -- and the purpose of you
15 paying those voters was to try to get them to vote for the
16 candidates that you were working for or with; is that correct?

17 **THE DEFENDANT:** Yes, ma'am.

18 **THE COURT:** All right, thank you. All right, thank
19 you, Ms. Solis. The Court does find that you are competent to
20 enter a plea, that you understand the nature of the charges
21 against you, as well as the consequences of entering a plea,
22 that you are entering a plea of guilty freely and voluntarily,
23 and that there is a factual basis for the plea of guilty. The
24 Court does find you guilty as charged in the criminal
25 information. I will set your case for sentencing on December

1 11th at 9:00 a.m., with a presentence investigation to be done
2 and a report to be completed by October the 30th, objections to
3 be filed by the 13th, with the final report due on November the
4 28th. Now, we do have the issue -- there's been no bond set in
5 this case.

6 **MR. LEO:** Yes, your --

7 **THE COURT:** There has?

8 **MR. LEO:** Yes, she has an unsecured bond, your Honor.

9 **THE COURT:** An unsecured bond, all right, okay.

10 **MR. LEO:** And there is one matter, the -- if we could
11 approach, your Honor.

12 **THE COURT:** You may. Do we need Ms. Solis?

13 **MR. LEO:** Well, we can -- if you think we need her,
14 your Honor.

15 **THE COURT:** Okay, let me hear from you first.

16 **MR. LEO:** Okay.

17 **THE COURT:** Let me hear from the attorneys first,
18 Ms. Solis.

19 **(Sealed bench conference omitted from 10:37 a.m. to 10:38**
20 **a.m.)**

21 **THE COURT:** Okay. And I take it the Government has
22 no objection to the continued --

23 **MR. LEO:** No objection.

24 **THE COURT:** Okay. Ms. Solis, the Court is going to
25 allow you to continue out on bond as you have been up until

1 now. You've been given the date to appear for sentencing.

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** You must appear for that day unless
4 you're notified that it has changed for any reason. But absent
5 that, then you must appear here as you have been notified to
6 do. Failure to appear for sentencing is itself an offense, and
7 so you could face additional charges. Also, of course, you
8 must continue to comply with all the terms and conditions that
9 have been imposed, because violating any one of those is the
10 quickest way to start serving some time, regardless of what the
11 Court ultimately gives you. Do you understand that?

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** All right. Is there anything else in
14 this case at this time?

15 **MR. LEO:** Nothing from the Government, your Honor.

16 **MR. WOOD:** Nothing from the Defendant, your Honor.

17 **THE COURT:** All right, thank you then. You may be
18 excused, thank you.

19 **THE DEFENDANT:** Thank you.

20 **MR. LEO:** Thank you for accommodating us.

21 **THE COURT:** Thank you.

22 **(This proceeding was adjourned at 10:39 a.m.)**

23

24

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



October 27, 2014

TONI HUDSON, TRANSCRIBER